

**American Lands Alliance ♦ Access Fund ♦ Arizona Mountaineering Club ♦ Arizona Native Plant Society ♦ Arizona Wildlife Federation ♦ Center for Biological Diversity ♦ Chiricahua-Dragoon Conservation Alliance ♦ Citizens for the Preservation of Powers Gulch and Pinto Creek ♦ Citizens for Victor! ♦ EARTHWORKS ♦ Endangered Species Coalition ♦ Friends of Queen Creek ♦ Gila Resources Information Project ♦ Grand Canyon Chapter of the Sierra Club ♦ Great Basin Mine Watch ♦ The Lands Council ♦ Maricopa Audubon Society ♦ Mining Impact Coalition of Wisconsin ♦ Mount Graham Coalition ♦ National Wildlife Federation ♦ Rock Creek Alliance ♦ Water More Precious Than Gold ♦ Western Land Exchange Project ♦ Yuma Audubon Society**

April 7, 2005

The Honorable Jim Kolbe  
United States House of Representatives  
237 Cannon House Office Building  
Washington, DC 20515

Dear Representative Kolbe,

On behalf of the undersigned organizations and the thousands of members we represent in Arizona and nationwide, we urge you not to introduce the Southeastern Arizona Land Exchange and Conservation Act of 2005 (the "land exchange bill") that would, in part, revoke a mining prohibition on 760 acres of public lands in the Tonto National Forest in the area of the Oak Flat Campground 60 miles east of Phoenix.

Resolution Copper Company (RCC), a foreign-owned mining company, is planning a massive block-cave mine and seeks to acquire Oak Flat Campground and the surrounding public lands for its use through this land exchange bill. If they succeed, the campground and an additional 2,300 acres of the Tonto National Forest will become private property and forever off limits to recreationists and other users. Privatization of this land would end public access to some of the most spectacular outdoor recreation and wildlife viewing areas in Arizona and cause massive surface subsidence leaving a permanent scar on the landscape and eliminating the possibility of a diversified economy for the region.

The Oak Flat Campground was recognized by the Eisenhower Administration as an important recreational resource in 1955, and specifically placed off limits to future mining activity. This unique area is a world-class natural resource for birding, hunting, hiking, camping, rock climbing, bouldering, canyoneering, picnicking, responsible OHV driving, and other recreational uses, and is home to the largest outdoor climbing competition in the world, the annual Phoenix BoulderBlast. Oak Flat sees tens-of-thousands of visitors each year. On the eastern border of Oak Flat is Devil's Canyon, one of the crown jewels of Arizona's state trust lands with some of the finest remaining riparian habitat in the state.

Oak Flat Campground and the surrounding area has long been an important cultural site for Western Apaches. The Tonto National Forest recognized at least a dozen archeological sites in and around Oak Flat and traditional Apache continue to use the Campground area to gather acorns and pine nuts. Making Oak Flat private land and destroying the surface would forever eliminate Apache traditional practices in the region.

Despite past promises to do so, the draft bill mentions no environmental studies or even the most basic analyses and opportunity for public involvement afforded by the National Environmental Policy Act. Furthermore, RCC has not yet filed a mining plan and refuses to divulge any maps or information about (1) what will become of Oak Flat and environs, (2) where the mountains of mining tailings will ultimately reside, (3) where the estimated 20,000 acre-feet of water will come from and be discharged, (4) how endangered species (such as the Arizona hedgehog cactus) will be preserved, and (5) how necessary cultural resources will be protected. Importantly, the bill makes no mention of the catastrophic subsidence that will occur if RCC is allowed to mine this area as it intends. Much has yet to still be dealt with in terms of environmental considerations.

With so much uncertainty around the environmental implications of the project, Resolution Copper would like us to trust that they will operate under the most stringent environmental standards and provide economic benefits to the surrounding community. However, Rio Tinto, one of Resolution Copper's parent companies, has a history of troubled labor practices and egregious environmental problems. In 2003, three U.S. labor unions filed Unfair Labor Practices charges against Rio Tinto for firing 120 union members after a long, bitter labor dispute at the Bingham Canyon mine in Utah. Rio Tinto also owns part of the Lihir mine in Papua New Guinea, which dumps tailings and waste rock directly into the ocean. RCC's other parent company, BHP, also has a legacy of environmental problems, including dumping mine tailings directly into a river at their Ok Tedi mine in Papua New Guinea. This track record makes it difficult to trust that RCC will indeed build a mine for the 21<sup>st</sup> Century as they indicate on their website and other PR publications.

The land exchange bill gives Resolution Copper the "responsibility" for hiring all contractors associated with the appraisal of lands involved in any possible exchange. This obvious conflict of interest lets the "fox guard the henhouse." There is also not enough information known about the value of any minerals under lands mentioned in the exchange bill language. Both of these conditions make it highly likely that an appraisal will be to RCC's satisfaction, but not serving the public interest.

Finally, this land exchange bill would set a chilling precedent allowing for the revocation of similar land withdrawals such as parks, recreation areas, and wildlife refuges. Public lands such as Oak Flat that are set aside for recreation should remain protected for future generations. This land exchange bill would sacrifice the interests of Arizonans, and all Americans, to enrich foreign shareholders. Thirty years from now—when the mining jobs once again leave—the Superior region will be much worse off because the landscape will be ruined. We strongly urge you to protect these public lands for the public's future use and preserve the unique opportunities for Arizonans that the Oak Flat area provides.

Sincerely,

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